

CHAPTER 4. DEVELOPMENT DISTRICTS

401. ESTABLISHMENT OF DISTRICTS

City Council divides the City of Huntsville into the following general districts: Downtown, Management and Neighborhood Conservation. Additionally, City Council creates the following overlay districts: Flood Hazard District, Airport Hazard District and Landmark District.

401.1 Zoning district map

The boundaries of the respective general districts enumerated in this section are defined and established as depicted on the map entitled "OFFICIAL ZONING MAP OF THE CITY OF HUNTSVILLE, TEXAS" which is an integral part of this Code. This map, with all notations and explanatory matter thereon, shall be published as part of this Code.

This Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary. If according to the provisions of the Code, City Council changes the district boundaries or other matters portrayed on the Official Zoning Map, the City Engineer shall make such changes on the Official Zoning Map with an entry on the Map as follows: "On (date), by official action of the City Council of the City of Huntsville, the following change was made: (brief description with reference number of amending ordinance)."

The City Engineer and Planning Officer shall maintain one copy of the Official Zoning Map accessible to the public, and that Map is the final authority as to the current zoning status of properties in the City.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, obsolete or difficult to interpret because of the nature or number of changes made thereto, the City Council may, by ordinance, adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map. The revised zoning map, shall be identified by the signature of the Mayor, attested by the City Secretary and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the Ordinance of the City of Huntsville, adopted on (day), day of (month), (year) which replaces and supersedes the Official Zoning Map that was adopted on the 5th day of June, 1990."

401.2 Interpretation of district boundaries

The precise location of any designated district boundary in the City shall be decided by:

- (1) Boundaries shown or described as following or approximately following the City Limits shall be construed as following such limits.

- (2) Boundaries shown or described as following or approximately following streets shall be construed to follow the centerlines of such streets.
- (3) Boundary lines shown or described as following or approximately following platted lot lines or other property lines as shown on plats filed for record in the office of the County Clerk shall be construed as following such lines.
- (4) Boundaries shown or described as following or approximately following centerlines of streams, creeks, or other water courses shall be construed as following the channel centerline of such water courses and, in case of a natural change in the location of such streams, creeks, or other water courses, the boundary line shall be construed as moving with the channel centerline.
- (5) Boundaries shown or described as separated from and parallel or approximately parallel to, any of the features listed in paragraphs (1) through (4) above shall be construed to be parallel to such features and at such distances as are shown on the map.

401.3 Amendments to district boundaries

- (1) Authority to amend

The City Council may, from time to time, on its own motion, or on petition from a property owner, or on recommendation from the Commission, amend the boundaries of the zoning districts. Where a private person submits an application for an amendment, the applicant shall also pay the fee established by the "Schedule of Fees."

- (2) Commission report required

Before any action to amend the zoning district map, the Commission shall review the proposal. The Commission shall submit a report containing its conclusions and recommendations to the City Council.

- (3) Public hearing required before amendments

The City Council and the Commission shall hold public hearings, jointly or separately, before approval or rejection of the reported recommendations of the Commission. Notice of the hearings shall be according to the procedures established in Section 105.

See Tex.Loc.Gov't Code 211.007(b)

(4) Three-fourths majority required

A three-fourths (3/4) majority vote by the City Council is necessary to approve a zoning district map amendment where the proposed amendment is opposed by twenty percent (20%) or more of the property owners whose lands are lying within two hundred (200) feet of the site where the zoning classification change is sought.

(5) Zoning amendment reapplication limitation

To insure the stability of land use within the City and to promote and protect the quality of life for its citizens with respect to the use and enjoyment of their respective property, neither the Council nor the Commission will accept a reapplication for a zoning district map amendment within a period of twelve (12) months from the date of the City Council's denial of the initial application; provided, however, that upon receipt of documented proof from the applicant that conditions have substantially and materially changed since the initial submission of the application, and upon further evidence that such changes justify a rehearing of the matter, the City Council may waive the mandatory holding period and accept a reapplication.

401.4 Designation of annexed property

Territory annexed to the City shall be designated in the management district unless otherwise provided by the annexation service plan adopted by City Council.

401.5 Land use standards

Table 4-1, "ALLOWABLE USES", lists those land use categories allowable in each district. Chapters 5 and 6 of this Code contain specific locational standards for individual lot types. Except as otherwise provided, no person shall use any land or building, and no person shall make, erect, construct, move, alter enlarge, or repair, any building, structure or improvement for any purpose or in any manner except according to the requirements established in the district in which the land, building, structure, or improvement is located, and according to the provisions of this Code.

(1) Residential uses

The development of any residential use shall be permitted only in full compliance with the standards contained in Section 502 and Table 4-1. Residential uses are divided into the following categories: single-family residential, two-family residential and multi-family residential.

(2) Non-residential uses

All land uses not classified as residential are considered non-residential in nature. Table 4-1 lists the non-residential land uses according to major use category. Wherever possible, the group descriptions in the Standard Industrial Classification Manual (SIC) (1987) prepared by the

Statistical Policy Division for the United States Office of Management and Budget shall be used to determine the classification of primary uses for accomplishing the purposes of this Code. The Planning Officer shall maintain a copy of the SIC manual for inspection during normal business hours.

401.6 Accessory uses and buildings

The following accessory uses are allowed in all Districts:

- (1) An attached or detached private garage.
- (2) Nonpaying guest houses or rooms for guests within an accessory building, provided such facilities are used only for the occasional and gratuitous housing of guests of the occupant of the principal building and not for permanent occupancy by others as a dwelling unit.
- (3) Sheds or tool rooms.
- (4) Children's playhouses.
- (5) Vegetable or flower gardens.
- (6) Garden houses.
- (7) Private green houses.
- (8) Private tennis courts.
- (9) Private swimming pools.
- (10) Servants' quarters and similar uses customarily accessory to a residential use.

401.7 Home occupations

(1) Intent

This section provides standards for the establishment of a home occupation in a neighborhood and regulates the operation of a home occupation so that the average neighbor will be unaware of its existence.

(2) Definition

Home occupation means an accessory occupational use conducted entirely within a dwelling unit by the inhabitants of it, that is clearly incidental to the use of the structure for residential purposes and that does not change the residential character of the site. A home occupation may include an operation in which

**TABLE 4-1
ALLOWABLE USES**

GENERAL LAND USE CATEGORIES	SIC GROUP DESCRIPTION	DISTRICTS		
		MANAGEMENT	DOWNTOWN	NEIGHBORHOOD CONSERVATION (NC)
		(M)	(D)	
Residential	*			
Single-Family		P	P	P
Two-family		P	P	
Multi-Family		P	P	
Governmental	*	P	P	
Public Utilities	*	P	P	P
Agriculture	01 - 09	P		
Mining or Drilling	10 - 14	P		
Construction	15 - 17	P	P	
Manufacturing	20 - 39	P	P	
Transportation	40 - 47	P	P	
Communications	48	P	P	
Electric, Gas and Sanitary Services	49	P	P	P
Wholesale Trade	50 - 51	P	P	
Retail Trade	52 - 59	P	P	
Finance, Insurance and Real Estate	60 - 67	P	P	
Services	70 - 89	P	P	

* - Not included in Standard Industrial Classification Code (SIC)

P - Permitted or Allowable Uses

members of the immediate family sell or offer for sale articles which they produce on the premises; but home occupation does not include operations that use persons who are not members of the immediate family or who do not reside on the premises to either (1) sale or offer for sale such articles, or (2) produce such articles. Additionally, animal hospitals, animal kennels, barber shops, beauty shops, clinics, doctor's offices, dress shops, hospitals, insurance offices, millinery shops, real estate offices, tearooms, tourist homes, among others and as examples only, are not home occupations.

(3) Standards

To operate a home occupation, the following standards shall be met:

- (a) the home occupation must be clearly incidental to the use of the dwelling as a residence;
- (b) no outdoor sign; display or storage of materials, goods, supplies, or equipment shall be allowed;
- (c) there shall be no changes to the exterior of the building nor any visible evidence or signs that the residence also contains a home occupation;
- (d) a home occupation shall not generate nuisances such as traffic, on-street parking, noise, electrical interference, or hazards;
- (e) the maximum area devoted to a home occupation shall be 25 percent of the gross floor area of the dwelling unit.
- (f) the home occupation shall not use employees outside of the immediate family members that reside in the home.

401.8 Offense to violate use standards

A person commits an offense if the person uses land or a structure in the City for a purpose not permitted in the district in which it is located.

402. DESCRIPTION OF DISTRICTS

402.1 Management district (M)

The Management District is the principal district in the City. All land not specifically designated within another district is designated as part of the Management District. All land uses are allowed within the Management District if they otherwise meet the standards of this Code.

402.2 Downtown district (D)

The Downtown District, also called the Fire District, is an area of high intensity use with many historic buildings in which a full range of public facilities are found. The standards and high densities prescribed for the district are designed to optimize use of in-place facilities. All buildings in existence before the effective date of this Code shall be exempted from the off-street parking requirements as required in Section 1301 of this Code. All buildings constructed after the effective date of this code shall meet the requirements of Section 1301; provided, however, that if the computed number of required off-street parking spaces is less than ten (10) spaces, no off-street parking spaces need be provided. The Official Zoning District Map shows the limits of the Downtown District.

402.3 Neighborhood conservation (NC)

There exists in certain parts of the city areas of residential development maintained exclusively for single-family residential dwellings. To conserve the character and value of buildings and building sites existing in these areas and to protect the integrity of the neighborhood, City Council provides the Neighborhood Conservation District.

Uses allowed by right are: one single-family residential dwelling unit per lot, home occupations (see Section 401.7), parks, playgrounds, public recreation facilities and community buildings, public service installations (utility and public service facilities and uses, except storage yards, transformer stations and substations) and accessory uses as defined in Section 401.6. Permitted conditional uses are: churches, public schools and golf courses (excluding miniature golf and commercial driving ranges).

403. OVERLAY DISTRICTS

403.1 Flood hazard district

- (1) Designation of floodplain hazard district
 - (a) City Council adopts the floodway-flood boundary and floodway maps prepared for the City by the Federal Insurance Administration dated February 4, 1981. The City Engineer shall maintain copies of these maps.
 - (b) A person commits an offense if the person makes any change to improved or unimproved real estate (including but not limited to buildings, structures, dredging, filling, grading, paving or excavation) within the floodplain without a development permit (reclamation of land) from the City (see Section 205 of this Code).
 - (c) If a developer proposes to develop land located in an area not surveyed for Flood Hazard according to the Federal Insurance Rate Map (FIRM), then the developer

shall employ an engineer to determine the flood hazard for the proposed development.

(2) General standards for flood hazard reduction

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (a) A developer shall design (or modify) and anchor all new construction or substantial improvements to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) A developer shall construct all new construction or substantial improvements by methods and practices that minimize flood damage;
- (c) A developer shall construct all new construction or substantial improvements with materials resistant to flood damage;
- (d) A developer shall construct all new construction or substantial improvements with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding;
- (e) A developer shall design all new and replacement water supply systems to minimize or eliminate infiltration of flood waters into the system;
- (f) A developer shall design all new and replacement sanitary sewage systems to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (g) A developer shall locate on-site waste disposal systems to avoid impairment to them or contamination from them during flooding.

(3) Specific standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 403.1 (1)(a), 403.1 (8)(h), 403.1 (1)(4)(d), the following provisions are required:

(a) Residential construction

An engineer or surveyor shall submit to the City Engineer a certification that new construction and substantial improvement of any residential structure shall have the

lowest floor (including basement) elevated to or above the base flood elevation before the City Engineer or Building Official issues a permit for construction or improvement.

(b) Nonresidential construction

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. An architect or engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are according to accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the City as part of the permanent development permit file.

(c) Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an architect or engineer or meet or exceed the following minimum criteria:

- 1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- 2) The bottom of all openings shall be no higher than one (1) foot above grade.
- 3) Openings may be equipped with screens, louvers, valves, or other coverings or devices if they allow the automatic entry and exit of floodwaters.

(d) Manufactured homes

- 1) All manufactured homes to be placed within Zone A of the FIRM, shall be installed using methods and practices that minimize flood damage. For this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include,

but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

- 2) All manufactured homes shall meet Section 403.1 (3)(a) (first floor elevation above flood level).
- 3) All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the City's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system according to the provisions of Section 403.1 (3)(d)(1).
- 4) A person commits an offense if the person places any manufactured home in the regulatory floodway in other than an existing manufactured home park or manufactured home subdivision.

(4) Standards for subdivision proposals

- (a) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with the provisions of Section 104 (permit required).
- (b) The developer of subdivisions including manufactured home parks and subdivisions shall obtain a development permit (see Section 104 of this code) prior to final platting.
- (c) A developer shall provide base flood elevation data for subdivision proposals and other proposed development including manufactured home parks and subdivisions.
- (d) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities (sewer, gas, electrical and water systems) located and constructed to minimize or eliminate flood damage.

(5) Standards for areas of shallow flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Section 403.1 (1)(a), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified).
- (b) All new construction and substantial improvements of nonresidential structures:
 - 1) shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two (2) feet if no depth number is specified), or;
 - 2) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (c) An engineer and/or architect shall submit a certification to the City Engineer that shall become part of the permanent development permit file that the standards of Section 403.1 are satisfied.
- (d) Within Zones AH or AO the developer shall provide adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(6) Floodways

Floodways are located within areas of special flood hazard established in Section 403.1 (1)(a). Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by an engineer is provided demonstrating that encroachments shall not result in any increase in flood levels within the City during the occurrence of the base flood discharge.
- (b) Where Section 403.1 (6)(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 403.1 (2) and 403.1(3)

(7) Designation of the Floodplain Administrator

City Council appoints the City Engineer as the Floodplain Administrator to administer and carry out the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) on flood plain management.

(8) Duties and responsibilities of the Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (a) Maintain and hold open for public inspection all records concerning the provisions of this section;
- (b) Review permit applications to determine whether proposed building sites will be reasonably safe from flooding;
- (c) Review, approve or deny all applications for development permits required by adoption of this section;
- (d) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
- (e) Determine the flood hazard boundary line where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears a conflict between a mapped boundary and actual field conditions);
- (f) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Natural Resource Conservation Commission, before any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (g) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (h) Obtain, review and use any base flood elevation data and floodway data available from a Federal, State or other source, to administer the provisions of the section when base flood elevation data has not been provided according to Section 403.1 (1)(a); and

- (i) Require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM, when a regulatory floodway has not been designated, unless the developer shows that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(9) Variance procedures; appeals to Zoning Board

A developer may appeal a decision of the City Engineer when the developer alleges there has been an error in any requirement, decision or determination in the enforcement or administration of the floodplain hazard district regulations. The procedure for an appeal shall be according to the hardship relief procedures contained in Section 103 of this Code.

The Zoning Board shall not issue a variance within any designated floodway if any increase in flood levels during the base flood discharge would result. Prerequisites for granting variances are:

- (a) The Zoning Board shall issue a variance only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (b) The Zoning Board shall issue a variance only upon, (1) applicant showing a good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) The Zoning Board shall give any applicant to whom it grants a variance written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. This notice shall be filed in the deed records affecting the property.
- (d) The Zoning Board may grant a variance for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use if: (1) the criteria outlined in Sections 103 and 403.1 (9) are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

403.2 Airport hazard district

(1) Airport zones

To carry out the provisions of this section, City Council creates certain zones that include all of the land lying within the approach zones, transitional zones, horizontal zones and conical zones as they apply to the airport. The Huntsville Municipal Airport Hazard Zoning Map dated June 10, 1976, which Council has adopted and made a part of this Code, shows those zones. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

Council establishes and defines the various zones as follows:

(a) Approach zones

The "runway larger than utility with a visibility minimum greater than three-fourths (3/4) mile nonprecision instrument approach zone" called Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface (runway) and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface, its centerline being the continuation of the centerline of the runway.

(b) Transitional zones

These zones are established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety-degree angles to the runway centerline, and the runway centerline extends at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary approach surfaces to where they intersect the horizontal surface.

(c) Horizontal zone

The horizontal zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway, and connecting to the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(d) Conical zone

The conical zone is the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand (4,000) feet.

(2) Airport zone height limitations

Except as otherwise provided, no person shall erect, alter allow to grow or maintain any structure or tree in any zone within the Airport Hazard District created to a height more than the applicable height limit established for such zone. Where more than one height limitation covers an area, the more restrictive height shall prevail. Such applicable height limitations are:

(a) Approach zone

Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

(b) Transitional zone

Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty (150) feet above the airport elevation (363 feet above mean sea level). Additionally, there are established height limits sloping upward and outward (7) feet horizontally for each foot vertically beginning at the side of and at the same elevation as the approach zones, and extending to where they intersect the horizontal or conical surface.

(c) Horizontal zone

One hundred and fifty (150) feet above the airport elevation or a height of five hundred and thirteen (513) feet above mean sea level.

(d) Conical zone

Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of three hundred and fifty (350) feet above the airport elevation.

(3) Use restrictions

Notwithstanding any other provisions of this section, no one may use land or water within any airport hazard zone established by this Code in a way that creates electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other, result in glare in the eyes of pilots using the airport, impair visibility near the airport, or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

(4) Nonconforming uses

(a) Regulation not retroactive

No person shall construe the regulations prescribed by this Code to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of October 15, 1976.

(b) Marking and lighting

The owner of any existing nonconforming structure or tree shall allow the City Council to install, operate and maintain at its expense such markers and lights that it deems necessary to indicate to the operators of aircraft near the airport the presence of such airport hazards.

(5) Permits; City Council action required

(a) Future uses

No person shall make any material change in the use of the land, and no person shall erect, alter, plant or otherwise establish a structure or tree in any airport hazard district zone hereby created unless the person applies for and receives a permit from the City Council.

- 1) A permit for a tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not, however, be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred (4,200) feet from each end of the runway unless such tree or structure, because of the terrain, land contour or topographic feature, would extend above the height limit prescribed for the respective zone.
- 2) An applicant for a permit shall indicate the purpose for which the person wants the permit with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(b) Existing uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on October 15, 1976.

(c) Hazard marking and lighting

Any permit granted may, if such action is deemed advisable to effectuate the purpose of this Code and to be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City, at its own expense, to install, operate and indicate to pilots the presence of an airport hazard.

403.3 Establishment of districts

- (1) For the purpose of protection, preservation, enhancement, perpetuation, and use of landmarks, there is created landmark districts.
- (2) A landmark district is an area that has special, historical or aesthetic interest and is designated as a landmark district pursuant to this chapter. The following areas are designated as landmark district areas:
 - (a) Seven thousand (7,000) feet from the Sam Houston Statue - Huntsville Visitor Center; and
 - (b) Twenty-five hundred (2,500) feet from the center of the courthouse square.